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# **School resource officers, ‘zero tolerance’ and the enforcement of compliance in the American education system**

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## **Abstract**

Schools are an important part of any community, and are increasingly considered responsible for the social education of young people as much as their academic instruction. In doing so, many schools have adopted a ‘zero tolerance’ response to student conduct that involves harsh penalties for minor infractions. At the heart of this zero tolerance approach is the use of School Resource Officers (SROs) as a means of enforcing student discipline. Involvement of these sworn police officers in the day-to-day behaviour management processes of a school has serious implications for students that are targeted by these measures. Students at schools with a SRO presence are five times more likely to be arrested for disorderly conduct, with over 10,000 prosecutions of young people under the so-called ‘disturbing schools’ laws every academic year. SROs and their use as a behavioural deterrent can be seen to influence a juvenile’s likelihood of recidivism and heavily impacts upon their involvement in the school-to-prison pipeline. Direct causal connections exist between the criminalisation of misbehaviour in school and adult incarceration; in this sense, the presence of SROs in American schools must be re-evaluated in order to determine whether they constitute an acceptable application of social control.

Key words: School resource officers; police; behaviour management; discipline; zero tolerance.

## **1.0 Introduction**

Communities are built upon the foundation provided by its institutions, none of which are more important than its local education system. In a modern world, schools are responsible for far more than just academic instruction and tertiary preparation; instead, it is expected that teachers

and administrators carry the considerable burden of moral and social education. Schools also provide young people with their first exposure to the community outside of their family unit and, as a result, are an essential aspect of an adolescent's psychosocial development. It is through the process of formal education that young people begin to develop an understanding of the world that is independent of familial influence. Values, attitudes and beliefs that take shape during this formative cognitive period are often carried throughout the remainder of an individual's life and, as such, it is essential that schools take proactive measures in order to ensure that students are equally prepared to function in society as in a formal academic environment. To a certain degree, the expectations of contemporary society have cast educators in the role as arbiters of social control. There is an assumption that teachers and administrators act as positive role models for their students, however this is predicated on the position that schools are essentially venues of positive learning; it does not account for the alternative view that punitive action experienced by students inevitably informs and shapes their relationship with concepts like authority and obedience deep into their adulthood.

Schools are expected to maintain some level of discipline in order to ensure a safe and stable learning environment for all students. That being said, the rising confluence of education and law enforcement has certainly had a significant impact on the underlying philosophies of behaviour management. School Resource Officers (SROs) are undoubtedly the most visible representations of the nexus between schooling and policing. Sworn-officers are placed in a school environment with the goal of dissuading violence and misbehaviour by students; this diversionary strategy is based primarily on the view of the police officer as an authority with more power than the ordinary classroom teacher and the fear of punishment under the judicial process. This fear is compounded by laws in place in several American states that are specifically designed to criminalise misbehaviour in schools, and under which thousands of

adolescents are charged each year. The use of SROs and the so-called ‘disturbing school’ legislation as a tool of behaviour management enforcement in American schools has a range of concerning implications when it comes to the construction of social identity in adolescence. As a facility tasked with the responsibility of social control, the use of SROs and police action against students creates an unnecessarily divisive relationship between young people and authority. It also reinforces a prevailing belief that police are responsible for enforcing social conformity and compliance; in essence, the implications of SROs being used to police misbehaviour undermines the concepts of free speech and civil protest taught in the very schools that sanction the use of police as a behaviour management tool. SROs may be seen as necessary to provide for the safety of students in American schools, however their presence in such an environment allows for the temptation to misuse their authority as a behaviour management strategy. In doing so, teachers turn over their powers of social control to SROs in an exchange that results in the punishment of non-conformity and negatively influences the relationship between students and authority.

## **2.0 Background**

### *2.1 School Resource Officers (SROs)*

Relations have existed between police officers and schools throughout the history of formal education in the United States of America. Even prior to the concept of the SRO being popularised in the latter half of the 20<sup>th</sup> Century, local police were often invited to address members of the school community on a range of issues such as road safety and illicit substance use (Brown 2006). These interactions were limited, however, with officers solely invited onto school premises with the mandate to act as an information source rather than to intervene in routine disciplinary matters. The first recorded example of a permanent SRO program was

implemented in 1953 in Flint, Michigan, however the placement of police in schools did not garner widespread public attention until its implementation in Fresno, California, over a decade later in 1968 (Bracy 2015). Fresno's SRO program was designed largely as an exercise in redefining the public image of the local police force, with the stated goal "to promote community relations between students and police" (West & Fries 1995, 144). Initially, the use of SROs by the Fresno police was a low-visibility exercise that was not intended as a punitive measure. Seven officers were allocated to a range of elementary and middle schools in the area in a plain-clothes capacity; it was not until 1974 that the Fresno police department re-allocated its Juvenile Bureau detectives to local high schools to act as detectives that were tasked with investigating a criminal activity on school premises (Hamilton 1996). If a student was found to have committed a crime, Juvenile Bureau detectives would inevitably take punitive action against them, however this was not their primary function; the officers involved in this program often acted in a pastoral capacity and served primarily as a point of contact between the police department and the school community.

Despite the apparent success of the Fresno police department in its implementation of its juvenile policing strategy, the presence of SROs in schools did not become prevalent throughout the United States until the mid-1990s. Increased incidences of gang violence in schools and the moral panic that occurred in the aftermath of the 1999 Columbine High School mass shooting led to a rise in support for the presence of police in educational facilities (Addington 2009). The number of police officers or sheriff's deputies employed as SROs increased by around 6700 in the decade between 1997 and 2007 (James & McCallion 2013); the vast majority of these officers maintained a visible, uniformed presence and assisted with both patrolling the school and following up on criminal complaints made by students and staff members. The role of the SRO has increased significantly since the modest seven-officer

deputation established by the Fresno police department in 1968: a 2015 study estimated that over 20 000 SROs are employed in school districts throughout the United States (Merkwae 2015, 159). According to the National Association of School Resource Officers (NASRO), the primary purpose of an SRO is “to develop a rapport with the students so that students trust them enough to either inform them about other classmates planning violent incidences or turn to SROs for help when they themselves are in trouble” (Mulqueen 1999, 17). Hess and Wroblewski (1997), however, take a contrary position: rather than the pastoral position promoted by the NASRO, SROs are described as “the front-line intervention specialists who unite efforts among the school district, the community, and the police department to maintain order.” It is Hess and Wroblewski’s interpretation of the SRO that is of most concern to this study, particularly given the impact that police interventionism traditionally has in the application of social control.

Law enforcement is - by its very nature – a highly contentious profession; as a result, public perception often plays a significant role in the success or failure of police officers. Myrستol claims that “police are increasingly being held accountable not only for the products of their activities, but also for the means by which they are attempting to attain them” (2011, 22). In order to develop clear expectations of law enforcement, however, there must first be a general understanding of what the mandate of the police actually consists of. Myrستol’s study of community perceptions of SROs in Anchorage, Alaska, had its foundations in a 2009 community survey that used a standard Likert ranking scale to gauge public opinion; it found a clear distinction between those who believed the role of the SRO was to “enhance safety” (mean = 4.065) and those who believe it was to “establish order” (mean = 3.728). It could be argued that an SRO is expected to perform both of these duties, however there is a considerable disparity between the passive provision of security and the proactive enforcement of

compliance. Phillips and Cochrane (1985) developed a list of seven objectives that SROs should be expected to achieve on school campuses. The vast majority of objectives on this list could be seen to reflect the principles of community policing, wherein students are educated about risks and encouraged to develop a sense of social responsibility; nowhere on Phillips and Cochrane's list of objectives is behaviour management listed as a task for SROs to undertake. SRO programs may have been initially conceived of as a community relations exercise, however it is clear that the role of the SRO has evolved over time and taken on responsibility for enforcement of compliance in schools across the United States of America.

## *2.2 'Disturbing school' laws and the criminalisation of misbehaviour*

Police are only given the power to act within the confines of state and federal law, and as such it may seem like the role of SROs in behaviour management would be limited to serious incidences. To understand the enforcement powers vested in SROs, however, it is essential to examine the 'disturbing school' legislation that is routinely used throughout the United States. Variations of the 'disturbing school law' can be found in the statutes of 22 states and a range of individual school districts: some, like South Dakota, prohibit only 'boisterous behaviour' in schools whereas others, like Arkansas, extend the legislation to cover all forms of 'annoying conduct' (Ripley 2016). Many of these school-related disturbance laws have existed in some form for the better part of a century, and have evolved over time to cover a broad range of behaviour management issues. Disturbing school legislation has been applied equally to volatile or violent incidences as well as significantly less serious conduct. In 2016, an appellate court in New Mexico upheld the decision of an officer to handcuff and arrest a 13-year-old student accused of burping repeatedly during a middle school class; the student was patted down and taken to a juvenile detention centre for processing as a result of the incident

(‘Arrested for burping’ 2016). The liberal application of disturbing school laws has attracted particular criticism in South Carolina, where the local chapter of the American Civil Liberties Union (ACLU) in 2016 launched a federal class action lawsuit that challenged the constitutionality of the legislation (Eckholm 2016).

Statistics related to the application of disturbing school laws are not available in all states, however it is estimated that around 10 000 students are charged with some variation of the offence each academic year (Ripley 2016). Allegations that South Carolina is particularly liberal in its application of disturbing school laws is supported by statistics released by the state that claim the charge was filed against students 33 304 times between 2000 and 2016 – an average of around 2081.5 times each school year. Theriot (2009) attempted to account for the arrest rate for disorderly conduct in schools and found evidence that a causal link existed between these statistics and the presence of a SRO on campus. Theriot’s study examined 13 schools that employed a SRO and compared their arrest record with those that did not use SROs. It was discovered that – even when controlling for the socioeconomic disparities between schools – students at a school with a SRO were five times more likely to be arrested for disorderly conduct. If a student is arrested for a school-related incident, there are usually school-based consequences that are independent of the legal ramifications of police action; these punitive measures typically include suspension or expulsion. Removing a student from the process of formal education can also result in negative judicial outcomes – Catterall (1987) found that young people that did not finish high school were 3.5 times more likely to be incarcerated than those that received a diploma.

### **3.0 Literature Review**



Alongside the development of engaging curriculum and effective teaching practice, behaviour management is one of the most essential factors in a successful school environment. Schools are faced with a wide range of serious student misconduct, particularly when it comes to incidences of drug use and violence; when it comes to a study of SROs and disturbing school legislation, however, extreme forms of misbehaviour are not as relevant as research focused on more minor offences such as disruption and non-compliance. Grossman (2003) notes that there are a variety of behaviour management techniques that teachers routinely employ to address disruptive conduct; it is noted that “whether a behaviour is a ‘problem’ or not is in the eye of the beholder” and that “even the strictest teachers don’t attend to every infraction of the rules” (263). Lawrence, Steed and Young (1984) support Grossman’s assertion that behaviour management is a fluid concept that is largely grounded in subjective decision-making. In their view, “behaviour only becomes disruptive at certain times and in certain places” and that this makes it difficult to strictly apply a comprehensive behaviour management strategy throughout the diverse context of a school environment (17). In this respect, both Grossman and Lawrence, Steed and Young present an understanding of behaviour management that is at odds with the policy of ‘zero tolerance’ established in school districts throughout the United States in the last two decades. This policy has unquestionably led to a rise in the over-policing of misbehaviour and the changing role of SROs as a means of enforcement.

The impact that the application of discipline in schools has on the ongoing development of young people is a subject that has attracted a considerable amount of academic attention. Mayer (1995) specifically references the causal connection between school exclusion or drop-out rates and antisocial behaviour in adulthood; he notes that “antisocial adults commonly develop from youths who drop out of school” and that the high rate of incarceration in the United States is “a reflection of the degree to which our society has failed with a large percentage of our human

resources” (467). Mayer’s article also identifies several elements of student management that contribute to a young person’s tendency towards antisocial behaviour. These factors include a lack of clarity surrounding rules and regulations, inconsistent administrative support for teacher actions and a lack of consideration for individual difference within the student population. Mayer’s article cautions against the very zero tolerance policies that would come into vogue in educational circles in the latter years of the 1990s. Skiba and Peterson (1999) refer to these strict enforcement policies as “authoritarianism, incompatible with the functioning of a democracy, and certainly incompatible with the transmission of democratic values to children” (9). In their assessment of zero tolerance policies, Skiba and Peterson also note the difficulties in assessing behaviour management strategies in the education sector. Given that there is no requirement for self-reporting and reflection when it comes to behaviour management, it is almost impossible to locate quantifiable figures that would allow for a thorough evaluation of different strategies and their varying levels of efficacy.

Police are often – and erroneously – judged based on their investigation clearance rate and the number of arrests that are made; this is an inefficient means of evaluation, particularly given that an increase in the recorded instances of criminal activity hardly suggests that law enforcement is performing their duties to a high standard. As a result, much of the literature focused on the role of SROs in schools is based on public perceptions garnered through interview and ethnographic observation. Scheffer (1987) engaged in an ethnographic study of 12 elementary schools in Boise, Idaho, as well as conducting 53 interviews with stakeholders like SROs, teachers, administrators, students and parents. Although it was not possible for Scheffer to provide quantitative proof that the SRO program was successful in addressing juvenile delinquency, it was concluded that the school community were generally satisfied with the positive outcomes of hosting police in schools. Johnson (1999) also found that the presence

of SROs had a positive impact on school safety; her study of an urban SRO program relied heavily on statistics related to major and minor offences on school premises, which she noted fell from 3267 to 2710 after the introduction of SROs. Rather than assessing the efficiency of SRO programs, other researchers attempted to provide solutions in order to address the evolving role of SROs. Lane (2009) emphasised the importance of police agencies and school administrators establishing a clear demarcation of what is expected of a SRO prior to the implementation of such a program; this policy is supported by Cray and Weiler (2011) who also suggest that a memorandum of understanding is essential to establish clear guidelines regarding the conduct of officers on school premises.

#### **4.0 Methodology**

An examination of the connection between policing and behaviour management in an education context requires extensive observation of how SRO programs are employed in a range of diverse situations. First-hand ethnographic observation has been conducted by the researchers involved in this study, both of whom engaged in a year-long study of SRO programs in a North Carolina middle school and high school. In the case of one researcher, ethnographic research was conducted whilst acting as a participant in the behaviour management process; this researcher worked as an eighth grade Language Arts teacher and had frequent interactions with the SRO on a range of relevant behavioural and pastoral matters. Experience obtained by this researcher is highly useful to the study. Rather than purely relying on interviews or limited independent observation, participant observation over a significant period of time such as one academic year gives a more reliable understanding of the processes involved in SRO action and can account for the reliance of some teachers on SRO personnel as an aspect of their behaviour management strategy. Conclusions reached by this researcher

are, of course, vulnerable to the considerations of participant bias; this has been acknowledged by both researchers in the course of conducting this study, and mitigated by the critical evaluation of the associate researcher.

As mentioned in the survey of literature related to SRO programs, it is difficult for researchers to establish a general understanding of the subject matter given the absence of comprehensive nationwide statistics relating to SRO performance. It is also clear that broad implications cannot be made based on the observation of an SRO program operated by a single school district. Academic literature does provide a wide cross-section of case studies based on observations conducted in school districts across the country, however; these ethnographic observations can be combined with each other, and the observations of the research team, to form a position on SRO implementation that is based on the general experience of the program rather than the individual circumstances of a school district or restricted population sample. There are several challenges associated with the use of other researchers' case studies to supplement the findings of this paper, not the least of which is the inability to guarantee the reliability of their research methodology. As a means of addressing this concern, it is important to ensure the selection of appropriate case studies with verifiable research outcomes based on a clearly identified process.

## **5.0 Discussion**

### *5.1 Zero tolerance behaviour management as a form of social control*

Concurrent with the rise of SRO placement in schools throughout the United States was the implementation of zero tolerance policies of behaviour management. These policies gained in popularity during the mid- to late-1990s as a response to the perception that drug use and gang

violence were developing into issues necessitating a firm approach from educational administrators. Zero tolerance behaviour management strategies were in direct opposition to the principles of social inclusion that encourage an interventionist approach to educational disengagement; rather than working to encourage young people to have increased engagement with school, zero tolerance policies are inherently exclusionary and result in the removal of vulnerable students from the school environment for a wide range of infractions (Skiba & Peterson 1999). Academic evaluation of the zero tolerance policy in schools indicates that it has a negligible impact on the rate of antisocial behaviour in young people; indeed, Mayer argues that “antisocial adults commonly develop from youths who drop out of school” (1995, 467) and Catterall (1987) found that individuals that dropped out of school were 3.5 times more likely to be incarcerated in adulthood. It is not solely the impact on students targeted under zero tolerance policies that has been considered unfavourable by educational researchers. Skiba (2014) examined zero tolerance policies and the impact of suspensions and exclusions on the improvement of school discipline and safety; he found that zero tolerance approaches were “not the best way to create a safe climate for learning” and had not had the intended effect on classroom disruptions.

Significant connections exist between the preference for zero tolerance policies in schools and the employment of SRO programs that effectively criminalise misbehaviour. Indeed, the very basis of the zero tolerance approach can be traced to criminological theories designed to assist police officers in circumstances of urban disorder. Wilson and Kelling’s *broken windows theory* (1982) argued that the active policing of minor infractions like vandalism or public drinking would assist in the prevention of major crimes as a result; as in the case of zero tolerance behaviour management, Hinkle and Weisburd claim that broken windows policing is facilitated by a culture of fear wherein an aggressive enforcement approach “significantly

increased the probability of feeling unsafe” (2008, 503). Hinkle and Weisburd’s view of the safety implications of broken windows strategies are clearly reflected in the research outcomes focused on zero tolerance policies, particularly given Skiba’s findings that aggressive application of behaviour management policy did not contribute to a safer school environment. Implementation of a law enforcement strategy in the management of adolescent behaviour undoubtedly has implications regarding the relationship between students and their school, as well as that between young people and the judicial process. Skiba (2014) acknowledges that the policy serves as a form of behaviour modification similar to that utilised by law enforcement organisations around the world. Skiba notes that the unreasonable application of zero tolerance policies are a key element in its use as a tool of social control: given that those that are subject to the rules are aware that they are not necessarily ‘fair’, it is understood that they are more likely to moderate their behaviour to an extreme level to avoid becoming a target. It is clear that this application of social control is intrinsically drawn from the experiences of law enforcement and has been employed as a tool in guaranteeing conformity and compliance in school communities throughout the United States.

Regardless of the presence of SROs in the school environment, the use of enforcement-oriented behaviour management strategies like zero tolerance serves as a contributing factor in the so-called *school-to-prison pipeline*. This term is often used to describe the perceived connection between the American education system and subsequent interactions with the judicial system. Zero tolerance policies and the presence of SROs are commonly cited as causal elements of the criminalisation of youth that underpins the school-to-police pipeline. Heitzeg (2009) notes that, although the rate of suspensions and expulsions in American schools has nearly doubled since 1974, there was little correlation between these forms of disciplinary action and reported incidences of misbehaviour; essentially, the same infractions that attracted less severe penalties

in past years were now being treated as offences requiring exclusionary measures. Exclusionary strategies may be deemed essential to prevent ongoing disruption to the learning of other students, however exclusion is considered a major factor in the maintenance of the school-to-prison pipeline. Research conducted on juvenile arrest rates by Healy (2014) found that exclusionary zero tolerance policies were not simply responsible for increased likelihood of incarceration in adulthood; instead, a causal connection was found that students were twice as likely to be arrested during months in which they were forcibly removed from school than during any other period. Gonzalez (2012) contests that there are clear links between zero tolerance behaviour management and the presence of SROs in schools: she notes that in 2012 there was legislation in place in 41 states that required school administrators to report students to law enforcement for a range of behaviour, dramatically increasing the interaction between young people and the justice system by means of a SRO.

### *5.2 SRO and the complicated relationship between young people and the police*

Use of SROs in the application of behaviour management strategies in a school is indicative of a seismic shift in the conventional power structure of the education system. Classroom management has traditionally been the purview of individual teachers and employed on a subjective case-by-case basis (Lawrence et al 1984). Serious behavioural incidences were typically dealt with by school administrators, with only the most extreme cases being referred to external law enforcement organisations. By introducing sworn-officers into the school environment, the chain of authority in terms of behaviour management policy becomes considerably less clear – research indicates that the involvement of SROs in routine school-based misconduct has resulted in an increased rate of criminal charges being laid in matters that would otherwise not have been brought to the attention of law enforcement. As highlighted

in Theriot's 2009 study of SRO programs in 13 different schools, statistics show that students in a school that hosted a SRO were five times more likely to be arrested for 'disorderly conduct'. Criminal charges are not the only punitive measure undertaken against students that misbehave in school. Action taken by a SRO is usually supplemented by additional extrajudicial punishment by school administrators – typically in the form of exclusionary techniques such as suspension or exclusion. As mentioned, these exclusionary methods have been linked to the increased likelihood of recidivist behaviour and repeated instances of exclusion will often result in a student dropping out of formal education entirely (Skiba & Peterson 1999). The dual layer of authority that exists in a system that includes school administrators and SROs inevitably results in greater consequences than in a context wherein behaviour management is applied in a streamlined and consistent process.

It could be determined that the authority vested in SROs as sworn law enforcement professionals is regularly used as a crutch for teachers and administrators struggling to address the behavioural issues of students. Mayer (1995) notes that the antisocial behaviour of young people in schools can be partially attributed to the weak or inconsistent support of teacher's actions exhibited by school administrators. In the absence of zero tolerance behaviour management policies, attempts by administrators to balance student welfare and proportional discipline can sometimes be seen as compromised or ineffectual. As members of the school community that are not restricted by the same social welfare concerns of school administrators, SROs could be seen as an effective means of enforcing order in the classroom. By referring a student to the school's SRO for misbehaviour, the onus to determine an appropriate punishment is effectively removed from school staff and vested in a third-party; in doing so, school administrators give the appearance that they are taking proactive action against disruptive students and dissuade other students from engaging in similar behaviour due to fear of the



repercussions (Peak 2015). Referral strategies successfully absolve schools and teachers of accountability for punitive action against students, however it also can contribute to the fractious relationship between young people and law enforcement. Keane, Gillis and Hagan (1989) claim that juveniles, and particularly young males, can be observed to increase their delinquent behaviour rather than rectify it after contact with police; Jackson built upon this position, arguing that “what the police and the school administrators believe is the extension of a helping hand may be perceived by the public and students’ as another form of social control” (2002, 635).

### *5.3 Disturbing schools – legislating adolescence through conformity and compliance*

Critical to the intersection between policing and behaviour management is the imposition in many states of so-called ‘disturbing school’ legislation designed to criminalise disruption in the classroom. These laws do not exist in every jurisdiction throughout the United States, however in the 22 states that do have variations of the charge in action it provides a useful tool for SROs in the execution of their duty. One of the most liberal applications of disturbing schools laws undoubtedly occurs in South Carolina, where their version of the legislation is employed an average of 2081.5 times each year (Ripley 2016). Disturbing school is criminalised as a summary offence under section 16-17-420(a) of the state’s criminal code which makes it unlawful for “any person wilfully or unnecessarily ... to interfere with or to disturb in any way or in any place the students or teachers of any school or college” or to “act in an obnoxious manner” on the premises of any school in the state. The statute directs that juvenile offenders should be dealt with under the jurisdiction of the Family Court, however older offenders are liable to be jailed for up to 90 days; as this is a summary offence, this punishment is dispensed by a judge rather than through the traditional due process of a jury

trial. A student facing summary judgement under disturbing school laws is essentially subjected to unilateral punitive measures on several occasions throughout the process, both in the actions of school administrators and the judicial system. Unilateral application of punishment without recourse to appeal clearly reflects Skiba's (2014) position on social control, in which he outlines the behaviour modification outcomes of zero tolerance policies; in doing so, he argues that unreasonable application of such policies is an essential element of behavioural control in that a perceived lack of 'fairness' leads to students being overly cautious in their actions so as not to be targeted.

By their very nature, summary offences are open to considerable statutory interpretation driven by judicial activism: without the checks and balances of the jury system, a judge is able to use their discretion to impose punishment that is disproportionate to the original offence. Conditions established under the South Carolina judicial code are vague and demonstrate a broad scope of interpretation. Under the terms of the statute, it is the responsibility of judges to make a subjective determination on what constitutes "obnoxious" behaviour; moreover, the court is reliant on the testimony of a school or SRO to determine whether a student's action constituted a disturbance of the learning process. Just as much of the criticism focused on the use of SROs in school revolves around their lack of training in dealing with young people, it could be argued that the judicial system is equally unequipped to intervene in routine behaviour management. Without consistent exposure to the behaviours exhibited by adolescents in school, it is impossible for judges to make a determination as to which behaviours are normal and which are excessively intrusive or disruptive in the classroom context; if a judge were to rely upon the statute itself to provide guidance, any aberrant behaviour could be considered as disruptive and punishable by the court system. Lawrence, Steed and Young explicitly referenced the fluidity of applying behavioural codes of conduct in schools and noted that

“behaviour only becomes disruptive at certain times and in certain places” (1984, 17); the wide range of variables that form a context for student behaviour make it a challenge for third-parties like judges to consistently apply a statute in cases wherein they were not privy to the conditions under which the alleged misconduct occurred. Typically, teachers and students will have divergent accounts of the circumstances surrounding a disturbing schools charge; in these situations, a court is often reliant on the testimony of a SRO as an objective participant despite the fact that the majority of disturbing school charges are filed by school-based officers in their role as first responders and a point of contact for school administrators.

#### *5.4 SROs and the element of discretion in applying of disturbing schools laws*

Enforcement of the criminal code is an area that necessitates a high degree of discretion. Goldstein (1960) argues that *full enforcement* – which involves police taking action against every potential criminal incident – is impossible given the constraints of legislation and the principles of due process; he goes further, arguing that *total enforcement* – the pursuit of any criminal activity allowable under the law – is also impractical due to limitations of personnel and resources available to police officers. Instead, Goldstein argues that *actual enforcement* is the most commonly applied form of policing in the United States in that it acknowledges the restrictions placed on policing by a range of external factors and accounts for the significant degree of discretion that is required in law enforcement. One of the most prominent limitations identified by Goldstein in his description of *full enforcement* was the inability of police to act on criminal behaviour without receiving a complaint from an aggrieved party; in these cases, officers are unable to apply the law without going through a process designed to ensure that legislation is not applied in an overly aggressive manner. Restrictions like these are important aspects of maintaining due process and preventing an overly aggressive approach to minor

offences, however are generally not imposed upon SROs in their application of disturbing school legislation. Rather than relying on referrals from teachers or administrators to investigate student misconduct, SROs are vested with the authority to act independently in the administration of behavioural control on school grounds. Although several researchers advocate for the institution of clear memoranda of understanding between police officers and school administrators prior to the implementation of a SRO program, data indicates that officers are typically given a wide-ranging mandate to apply the law as they see fit on school premises resulting in significant increases in arrest rates and referrals to the judicial system.

A major aspect of SRO programs across the United States involve their role in mentoring vulnerable students and improving relations between police and the community. In this respect, the issue of police discretion in the application of disturbing school legislation is an area of significant concern. Research indicates that students at schools with SRO programs are five times more likely to be arrested for disorderly conduct, which suggests that officers typically use low levels of discretion in their approach to student misconduct (Theriot 2009). Despite the existence of a statutory offence regarding misbehaviour in schools, it is up to individual officers as to whether they will invoke the judicial system in specific cases; if an officer determines that a school-based response is more appropriate under certain circumstances, a student may avoid an early interaction with the judicial system which has been statistically proven to result in higher rates of recidivism in adulthood (Mayer 1995; Skiba & Peterson 1999). It is clear that the option to invoke discretion is not one that is typically invoked by SROs in the United States – around 10 000 students are charged with disturbing school offences in each academic year despite the fact that variations of the legislation exist in less than half of the states across the nation (Ripley 2016). A study conducted by Merkwae in 2015 claims that around 20 000 SROs are employed by school districts throughout the United States; when

compared to the average number of disturbing school charges laid during this period, it can be observed that roughly one charge is laid for every serving SRO during the course of an academic year. Although this correlation is significant in itself, it must be remembered that SRO programs also exist in states that do not have a disturbing schools law; this means that the 10 000 charges for criminal misconduct must be apportioned only amongst officers serving in the 22 states that observe the legislation, and as such the ratio of SROs to disorderly conduct charges must be significantly higher in these jurisdictions.

## **6.0 Conclusion**

Schools have an explicit responsibility to provide academic education for the young people of a community; equally important is their implicit duty to ensure that students graduate with a social conscience and the ability to adhere to a certain standard of behaviour. Social control as utilised by teachers and school administrators had traditionally been applied in the form of internal behaviour management strategies, however recent years have seen an increased level of intersectionality between education providers and law enforcement. At the heart of this intersectionality are the SRO programs that place sworn-officers in an environment populated by young people; rather than improve the safety and security of students, SRO programs have been observed as a core factor in the rising criminalisation of misbehaviour in the American school system. Research shows that students are five times more likely to be charged for disorderly conduct in schools that host a SRO program and – combined with the exclusionary policies of zero tolerance behaviour management – can result in increased rates interaction with the judicial system and recidivism in adulthood. SRO programs are generally intended to provide a constructive connection between young people and the police force. Data supports

an alternative perspective, however, with the increased presence of police in schools resulting in around 10 000 charges for disorderly conduct laid against students each academic year.

So-called ‘disturbing school’ legislation is a key facilitator of the punitive treatment of students by SROs in the modern American school system. Criminalisation of adolescent misbehaviour is responsible for a significant number of referrals to the juvenile justice system each year and there is a direct causal connection between exposure to the judicial system and the likelihood of continued criminal behaviour throughout adulthood. A lack of equity in the application of these disturbing school laws could be viewed as an additional element of social control: as students perceive that the judicial system treats young people in an unfairly harsh manner, it is likely that they will moderate their own behaviour to avoid being charged with a criminal offence. In this sense, it can be observed that disturbing school laws are being used as a tool of social control and behaviour modification by schools and SROs; misuse of the juvenile justice system in this way shows considerable disregard for research showing the negative impact of such interactions on young offenders. Rather than educating students on what constitutes appropriate behaviour, schools employ zero tolerance policies designed to dissuade misconduct through harsh punitive measures. Stationing police officers on school premises is not the sole cause of these strict enforcement policies, however the SRO program has provided teachers and administrators with a convenient means of implementing a zero tolerance philosophy. SROs may provide an additional layer of security on school premises, however the heavy-handed enforcement measures utilised by sworn-officers against students guilty of minor misconduct clearly has a negative impact on their future outcomes and the likelihood of a problematic relationship with law enforcement that will continue into adulthood.

## 7.0 Compliance with Ethical Standards

*Conflict of interest:* Both co-authors, Paul Bleakley and Cindy Bleakley, declare that they have no conflict of interest in relation to the researching and publication of this article.

*Ethical Approval:* All research observations and other procedures involved in this study that involved human participants were in accordance with the ethical standards of the institutional research committee and with the 1964 Helsinki declaration and its later amendments. Informed consent was obtained from all participants included in this study.

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